IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 8289 of 2007(J)

PETITIONER:

B.SOMACHUDAN, S/O. LATE S.BHASKARAN,
AGED 50, KIZHAKUMKARA VEEDU,
BHARATHEEPURAM P.O., EROOR PANCHAYATH,
KOLLAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR
SRI.GEETHA P.MENON

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
TRICHUR.

5. THE SUB INSPECTOR OF POLICE,
EROOR POLICE STATION, KOLLAM DISTRICT.

6. SRI. SASIDHARAN PILLAI, (PC NO.4003),
HEAD CONSTABLE, EROOR POLICE STATION,
KOLLAM DISTRICT.

7. B.SUNDARESAN,
KIZHAKUMKARA VEEDU, BHARATHEEPURAM P.O.,
EROOR PANCHAYATH, KOLLAM DISTRICT.

8. B.RISHIKESAN,
NELLITHONDIL, BHARATHEEPURAM P.O.,
EROOR PANCHAYATH, KOLLAM DISTRICT.

9. ATHUL CHANDRAN, S/O. CHANDRANGATHAN,
KALARIKKAL VEEDU, BHARATHEEPURAM P.O.,
EROOR PANCHAYATH, KOLLAM DISTRICT.

10. SHE3JAKUMARI, W/O. RISHIKESAN,
NELLITHONDIL, BHARATHEEPURAM P.O.
EROOR PANCHAYATH, KOLLAM DIST.

11. SATHEEDEVI, W/O. SUNDARESAN,
KISHAKUMKARA VEEDU, DO. DO.

12. ARUN, S/O. AMBUJAKSHI, KALARIKKAL VEEDU
DO. DO.

13. SINDHU KUMARI, W/O. PRASANNAN,
KIZHAKKUMKARA VEEDU, DO. DO.

R1 TO 5 BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 8289 of 2007 J

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Dated this the 30th day of March, 2007

JUDGMENT

The petitioner is the defacto complainant in a prosecution registered under Sections 323 and 324 r/w. 149 I.P.C. He has come to this Court with a grievance that no proper investigation is being conducted by the police.

2. The alleged incident took place on 9.12.2006. According to the petitioner, the police personnel had received information and had come to the scene of the crime. But most unfortunately the police did not take effective and prompt action. No F.I.R. was registered. Long later, on the basis of complaints and representations, the F.I. statement was recorded only on 15.12.2006 from the petitioner, who was undergoing treatment as an inpatient in the hospital. The crime was registered, inter alia, under Section 324 I.P.C. only. But grievous injuries have been suffered by the petitioner. The petitioner, in these circumstances, prays that the investigation may be entrusted to more competent and efficient hands

2. Notice was given. The learned Prosecutor, on instructions, submits that the grievance raised is not sustainable. Proper and efficient investigation is being conducted. Already, long prior to the filing of this petition, on 1.1.2007 the police had filed report to include the allegation under Section 326 I.P.C. Steps are being taken to get the bail granted to the accused cancelled, it is submitted. In these circumstances, there is no merit in the grievance that proper investigation is not being conducted, submits the learned Prosecutor.

3. The learned counsel for the petitioner submits that the only interest of the petitioner is that a proper and efficient investigation must be conducted and the guilty must be brought to the book. The petitioner was not aware of the report dt. 1.1.2007. The learned counsel submits that this Court may ensure that there is proper conduct of investigation and if that is done, the petitioner has no grievance at all.

4. I am satisfied, in these circumstances, that it is not necessary to direct that the investigation be taken over by any other individual/agency. The interests of justice will be served eminently by directing the third respondent, District Superintendent of Police, Kollam to monitor the investigation and ensure that the Investigating Officer takes appropriate

action in accordance with law for the efficient and proper conduct of the investigation.

5. This writ petition is accordingly dismissed with the above observations.

6. Hand over copy of the judgment to the learned Prosecutor, who shall communicate the same to the third respondent.

(R. BASANT)
Judge

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